

Message

From: Eby, Natasha [eby.natasha@epa.gov]
Sent: 2/6/2019 9:38:12 PM
To: Administrator / Ex. 6
CC: Humphreys, Hayly [humphreys.hayly@epa.gov]
Subject: Binder for Thursday, February 7, 2019
Attachments: Complete Binder.pdf; Meeting with Congressman Joyce - 02-07-2019.pdf; Briefing on Redwood City 02-07-2019.pdf; ALI Environmental Law Conference Draft Talking Points for 02-08-2019.pdf

Hello, Sir:

I have attached an electronic copy of your binder for tomorrow. PSD will have the physical copy, and will deliver it to you when they pick you up from DCA tomorrow morning. For your convenience, I have broken down the attachments below:

Attachment #1: Full binder PDF

Attachment #2: Meeting with Congressman Joyce

Attachment #3: Briefing on Redwood City

Attachment #4: ALI Environmental Conference Draft Talking Points (Chris provided a hard copy in your binder for today, however, I wanted to include them here in case you would like to review them again)

Here is a copy of your schedule for tomorrow:

Thursday, February 7, 2019

■	At 7:30 AM	<u>Depart for airport</u>
■	9:02 AM – 10:38 AM	<u>Travel: Depart CAE for DCA at 9:02AM on AA5122/ Arrive at 10:38AM</u>
■	12:00 PM – 1:00 PM	<u>Executive Planning</u>
■	1:00 PM – 1:50 PM	<u>Personal</u>
■	1:50 PM – 2:05 PM	<u>Depart for Capitol Hill</u>
■	2:15 PM – 2:45 PM	<u>Meeting with Congressman Joyce</u> Longworth House Office Building, Room 1124
■	2:45 PM – 3:00 PM	<u>Depart for office</u>
■	3:00 PM – 4:00 PM	<u>Scheduling Meeting</u> Administrator's office
■	4:00 PM – 4:30 PM	<u>Briefing: Redwood City</u> Administrator's office

Please let us know if you need anything else. Thank you very much and we hope you had a productive trip. Safe travels!

Natasha + Hayly

Message

From: Jackson, Ryan [jackson.ryan@epa.gov]

Sent: 2/4/2019 10:27:31 AM

To: Administrator / Ex. 6

Subject: Re: Redwood City Talking Points.docx

I don't know how I missed this yesterday. Yes, we have a tentative plan in this and I'd like to talk to you for just a couple of minutes on it during a break this morning.

Ryan Jackson
Chief of Staff
U.S. EPA

Personal Phone / Ex. 6

> On Feb 3, 2019, at 9:32 PM, Administrator / Ex. 6 wrote:

>
> Thank you, it went well. Do I need to do anything about [REDACTED]

> Sent from my iPhone

>
>> On Feb 3, 2019, at 3:51 PM, Jackson, Ryan <jackson.ryan@epa.gov> wrote:

>>
>> <Redwood City Talking Points.docx>

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>>
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>>

>> Ryan Jackson
>> Chief of Staff
>> U.S. EPA

>> Personal Phone / Ex. 6

Message

From: Eby, Natasha [eby.natasha@epa.gov]
Sent: 2/1/2019 5:21:27 PM
To: Administrator / Ex. 6
CC: Molina, Michael [molina.michael@epa.gov]; Humphreys, Hayly [humphreys.hayly@epa.gov]
Subject: Redwood City Talking Points for Call w/Rep. Speier today
Attachments: Redwood City Talking Points.docx

Sir,

Attached are talking points and background for your call with Representative Speier today at 2:30 PM. This is the same material that was provided for your tentative call with Senator Feinstein so you likely have already read it. Troy wanted to be sure you had the materials again for this call. Please let us know if you need anything else.

Thank you!

Natasha

Message

From: Jackson, Ryan [jackson.ryan@epa.gov]
Sent: 12/20/2018 1:53:34 AM
To: Administrator / Ex. 6
Subject: Fwd: Briefing: General Water Discussion
Attachments: 2018-12-20--Briefing re Redwood City CWA Special Case.docx; ATT00001.htm

This is for tomorrow.

Ryan Jackson
Chief of Staff
U.S. EPA

Personal Phone / Ex. 6

Begin forwarded message:

From: "Fotouhi, David" <Fotouhi.David@epa.gov>
To: "Humphreys, Hayly" <humphreys.hayly@epa.gov>, "Eby, Natasha" <eby.natasha@epa.gov>, "Molina, Michael" <molina.michael@epa.gov>
Cc: "Jackson, Ryan" <jackson.ryan@epa.gov>, "Leopold, Matt (OGC)" <Leopold.Matt@epa.gov>, "Forsgren, Lee" <Forsgren.Lee@epa.gov>, "Wildeman, Anna" <wildeman.anna@epa.gov>, "McDonough, Owen" <mcdonough.owen@epa.gov>
Subject: RE: Briefing: General Water Discussion

The briefing paper for our discussion with the Administrator tomorrow afternoon is attached to this e-mail. Sorry for the delay; thanks!

Best,

David

David Fotouhi

Principal Deputy General Counsel
Office of General Counsel
U.S. Environmental Protection Agency
Tel: +1 Personal Phone / Ex. 6
fotouhi.david@epa.gov

-----Original Appointment-----

From: Administrator / Ex. 6
Sent: Wednesday, December 12, 2018 2:04 PM
To: Administrator / Ex. 6 Jackson, Ryan; Fotouhi, David; Leopold, Matt (OGC); Forsgren, Lee; Wildeman, Anna
Cc: McDonough, Owen
Subject: Briefing: General Water Discussion

When: Thursday, December 20, 2018 3:45 PM-4:15 PM (UTC-05:00) Eastern Time (US & Canada).

Where: Administrator's office

From: Fuld, John [Fuld.John@epa.gov]
Sent: 12/21/2018 8:55:56 PM
To: Best-Wong, Benita [Best-Wong.Benita@epa.gov]; Bravo, Antonio [Bravo.Antonio@epa.gov]; Campbell, Ann [Campbell.Ann@epa.gov]; Dennis, Allison [Dennis.Allison@epa.gov]; Drinkard, Andrea [Drinkard.Andrea@epa.gov]; Forsgren, Lee [Forsgren.Lee@epa.gov]; Jones, Enesta [Jones.Enesta@epa.gov]; Lalley, Cara [Lalley.Cara@epa.gov]; Lieberman, Paige [Lieberman.Paige@epa.gov]; Lousberg, Macara [Lousberg.Macara@epa.gov]; Lynn, Tricia [lynn.tricia@epa.gov]; Mayer, Lauren [mayer.lauren@epa.gov]; McDonough, Owen [mcdonough.owen@epa.gov]; Ross, David P [ross.davidp@epa.gov]; Ruf, Christine [Ruf.Christine@epa.gov]; Schollhamer, Mary [Schollhamer.Mary@epa.gov]; Stevens, Robert [Stevens.Robert@epa.gov]; Thomi, Wendy [Thomi.Wendy@epa.gov]; Tiago, Joseph [Tiago.Joseph@epa.gov]; Vazquez, Sharon [Vazquez.Sharon@epa.gov]; Wadlington, Christina [Wadlington.Christina@epa.gov]; Wildeman, Anna [wildeman.anna@epa.gov]
Subject: OW-Daily Media Wrap



December 21, 2018

Follow Ups:

Social Media:

Twitter

RT @EPA: Our latest #WIFIA loan closing with the Metropolitan St. Louis Sewer District brings our total to six issued WIFIA loans totaling over \$1.5B in credit assistance. Combined, these six projects will create over 6,000 jobs.

<https://twitter.com/EPA/status/1076114167512342529>

Media Inquiries

STATUS: OPEN

OUTLET: American Infrastructure Magazine

REPORTER: Brianna Fries

TOPIC: Watersheds

DEADLINE: Wednesday, Dec 26th 9 am

OPA CONTACT: Trica Lynn

PROGRAM CONTACT: Cara Lalley & Antonio Bravo
OW PROGRAM OFFICE: OST & OWOW

PERTINENT INFORMATION:

The reporter, and she's good with written responses. She also said that she's fairly new to this beat, and that if the questions don't make sense and we want to suggest recharacterizing them (and answering them that way), that's fine.

QUESTIONS:

1. What are some of the biggest changes coming to watershed regulation and watershed studies in the U.S. in 2019
1. What do you expect to see change about our nation's watersheds in 2019?
2. How do you think factors like climate change and drought will affect the watersheds in our nation?
3. What new technologies are being introduced in 2019 to aid in keeping our nation's watersheds healthy?
4. What new approaches is the EPA utilizing to continue protecting watersheds throughout the U.S.?

STATUS: OPEN

OUTLET: Precast, Inc

REPORTER: Bridget McCrea

TOPIC: CSOs and Precast Concrete.

DEADLINE: Friday, Jan. 11th – 2019 – 11 am

OPA CONTACT: Tricia Lynn

PROGRAM CONTACT: Wendy

OW PROGRAM OFFICE: OWM

PERTINENT INFORMATION:

Reporter is writing on the progress U.S. cities are making with their CSO solutions, with mention of the role precast concrete is playing in these projects.

QUESTIONS:

1. Are there still cities out of compliance with the Clean Water Act with regard to CSO discharges? If so, how many?
2. Is there a current EPA deadline regarding CSOs? Are there specific cities that have deadlines approaching in the future?
3. How many major U.S. cities are currently addressing it or have addressed it?
4. How do their approaches to the issue align and how do they differ?
5. What is coming in the near future regarding CSO work?

6. Why is this work so important?
7. How often is precast concrete used for the solution? Are there any examples we might be able to mention in the article?
8. What happens if a municipality is out of compliance and misses a deadline?
9. Can you provide any examples of the acceptable methods that cities have developed to mitigate CSO discharges? (e.g., stormwater-holding tunnels, separate piping systems or permeable pavement and green spaces).
10. What cities are success stories in dealing with the issue? (we're looking for specific examples of how cities have been able to successfully control CSO)

STATUS: OPEN with IO Mgt.

OUTLET: KQED

REPORTER: Lauren Sommer

TOPIC: Redwood City Salt Ponds Jurisdictional Determination

DEADLINE: Friday, Dec. 21 - 9 am

OPA CONTACT: Tricia Lynn

PROGRAM CONTACT: Antonio Bravo

OW PROGRAM OFFICE: OWOW

PERTINENT INFORMATION:

QUESTIONS:

1. I've been told that EPA HQ will be making a Clean Water Act jurisdictional determination for the Redwood City Salt Ponds site in San Mateo County, California. Has that been issued or is it forthcoming? If so, when?

STATUS: OPEN with IO Mgt.

OUTLET: San Mateo Daily Journal

REPORTER: Zachary Clark

TOPIC: RE:SF Bay Salt Ponds.

DEADLINE: 5 pm

OPA CONTACT: Tricia Lynn

PROGRAM CONTACT: Antonio Bravo

OW PROGRAM OFFICE: OWOW

PERTINENT INFORMATION:

QUESTIONS:

1. I understand the EPA will soon make an announcement about the Cargill salt ponds site in Redwood City and another in Newark. The announcement, I'm told, is that neither of those sites meet the definition of "water" and therefore are not protected by the Clean Water Act. Is that true and how/when will the announcement be made?
2. Why is this decision being made and why now?

STATUS: OPEN

OUTLET: Newsy Inquiry

REPORTER:

TOPIC: MCLs

DEADLINE: Thursday, Jan 3rd 3pm

OPA CONTACT: Enesta Jones

PROGRAM CONTACT: Wendi Thomi & Christina Wadlington

OW PROGRAM OFFICE: OWM & OGWDW

PERTINENT INFORMATION:

Thank you so much for looking into this and for the information regarding MCL's and drinking water standards. I just have a few more questions that I'd like answered if possible regarding the facility report and the pollutant data section.

QUESTIONS:

1. What do the number and letter grades mean under attain indicator, pollutant compliance status and pollutant class code? Links do not explain.
2. Under pollutant class description, how is the actual or potential emission measured? Would that be what is located in the TRI report?

Is there a link to see a description of what the actual violations are?

John W. Fuld, Ph.D.

U.S. Media Relations Manager, Office of Water

Environmental Protection Agency

1200 Constitution Ave

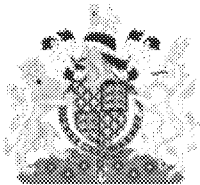
Washington DC 20460

Office: 202-564-8847

Cell: Personal Phone / Ex. 6

fuld.john@epa.gov

Virescit vulnere virtus



From: Fuld, John [Fuld.John@epa.gov]
Sent: 12/26/2018 8:48:40 PM
To: Best-Wong, Benita [Best-Wong.Benita@epa.gov]; Bravo, Antonio [Bravo.Antonio@epa.gov]; Campbell, Ann [Campbell.Ann@epa.gov]; Dennis, Allison [Dennis.Allison@epa.gov]; Drinkard, Andrea [Drinkard.Andrea@epa.gov]; Forsgren, Lee [Forsgren.Lee@epa.gov]; Jones, Enesta [Jones.Enesta@epa.gov]; Lalley, Cara [Lalley.Cara@epa.gov]; Lieberman, Paige [Lieberman.Paige@epa.gov]; Lousberg, Macara [Lousberg.Macara@epa.gov]; Lynn, Tricia [lynn.tricia@epa.gov]; Mayer, Lauren [mayer.lauren@epa.gov]; McDonough, Owen [mcdonough.owen@epa.gov]; Ross, David P [ross.davidp@epa.gov]; Ruf, Christine [Ruf.Christine@epa.gov]; Schollhamer, Mary [Schollhamer.Mary@epa.gov]; Stevens, Robert [Stevens.Robert@epa.gov]; Thomi, Wendy [Thomi.Wendy@epa.gov]; Tiago, Joseph [Tiago.Joseph@epa.gov]; Vazquez, Sharon [Vazquez.Sharon@epa.gov]; Wadlington, Christina [Wadlington.Christina@epa.gov]; Wildeman, Anna [wildeman.anna@epa.gov]
Subject: OW- Daily Media Wrap



December 26, 2018

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Media Inquiries

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OUTLET: KQED

REPORTER: Lauren Sommer

TOPIC: Redwood City Salt Ponds Jurisdictional Determination

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REPORTER: Zachary Clark

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OPA CONTACT: Tricia Lynn

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TOPIC: MCLs

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OW PROGRAM OFFICE: OWM & OGWDW

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Is there a link to see a description of what the actual violations are?

John W. Fuld, Ph.D.

U.S. Media Relations Manager, Office of Water

Environmental Protection Agency

1200 Constitution Ave

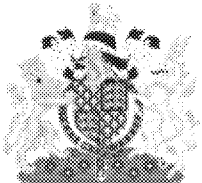
Washington DC 20460

Office: 202-564-8847

Cell: Personal Phone / Ex. 6

fuld.john@epa.gov

Virescit vulnere virtus



FY 2019 CONGRESSIONAL HEARING

Determination of Geographic Jurisdiction of the Section 404 Program

Background:

- The United States Department of the Army (Army) and the United States Environmental Protection Agency (EPA) established policy and procedures pursuant to which they will determine the geographic jurisdictional scope of waters of the United States for purposes of section 404 and the application of the exemptions under section 404(f) of the Clean Water Act (CWA).
- The policy of the Army and EPA maintains that the Corps continues to perform the majority of the geographic jurisdictional determinations and determinations of the applicability of the exemptions under section 404(f) as part of the Corps role in administering the section 404 regulatory program.
- Special cases may be designated in generic or project-specific situations where significant issues or technical difficulties are anticipated or exist, concerning the determinations of the geographical jurisdictional scope of waters of the United States for purposes of section 404 and where clarifying guidance is or is likely to be needed.

KEY POINTS:

- -
 -
- ## Deliberative Process / Ex. 5

TALKING POINTS:

- -
- ## Deliberative Process / Ex. 5

Message

From: Humphreys, Hayly [humphreys.hayly@epa.gov]
Sent: 2/6/2019 9:19:10 PM
Subject: Calendar for Acting Administrator Wheeler: Thursday, February 7, 2019

**Calendar for Acting Administrator Wheeler
Thursday, February 7, 2019**

■	9:02 AM – 10:38 AM	<u>Travel: Depart CAE for DCA</u>
■	12:00 PM – 1:00 PM	<u>Executive Planning</u>
■	1:50 PM – 2:05 PM	<u>Depart for Capitol Hill</u>
■	2:15 PM – 2:45 PM	<u>Meeting with Congressman Joyce</u> Longworth House Office Building, Room 1124
■	2:45 PM – 3:00 PM	<u>Depart for office</u>
■	3:00 PM – 4:00 PM	<u>Scheduling Meeting</u> Administrator's office
■	4:00 PM – 4:30 PM	<u>Briefing: Redwood City</u> Administrator's office

Message

From: Konkus, John [konkus.john@epa.gov]
Sent: 1/4/2019 2:07:49 PM
To: Forsgren, Lee [Forsgren.Lee@epa.gov]; Grantham, Nancy [Grantham.Nancy@epa.gov]
CC: Fotouhi, David [Fotouhi.David@epa.gov]
Subject: RE: Reporter writing on Redwood City salt ponds

Thank you Lee.

From: Forsgren, Lee
Sent: Friday, January 4, 2019 8:16 AM
To: Konkus, John <konkus.john@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>
Cc: Fotouhi, David <fotouhi.david@epa.gov>
Subject: FW: Reporter writing on Redwood City salt ponds

John and Nancy,

For your Information. Given that this is not within the limits of "exempted activities" under the government shutdown, OW will not be responding to Ms. Kahn. I wanted you to be aware since I am not certain how OPA is dealing with such inquiries agency wide during the shutdown. Also for your information in case you weren't aware, Dave Ross is recused from this project.

Regards,
Lee

From: Debra Kahn <dkahn@politico.com>
Sent: Friday, January 4, 2019 1:18 AM
To: Zito, Kelly <ZITO.KELLY@EPA.GOV>; Lynn, Tricia <lynn.tricia@epa.gov>
Cc: Forsgren, Lee <Forsgren.Lee@epa.gov>; Ross, David <Ross.David@epa.gov>; Fotouhi, David <fotouhi.david@epa.gov>
Subject: Reporter writing on Redwood City salt ponds

Hello,

I'm a reporter with Politico, working on a story about congressional Democrats asking acting Administrator Wheeler to discuss an apparently pending Clean Water Act jurisdictional determination at the Redwood City salt ponds.

I was wondering if anyone might be able to confirm that the agency is considering making the determination, or whether it's already happened? Has the administrator responded to Sen. Feinstein and Rep. Speier's letters?

Please feel free to give me a call at 415 871-5477 or email is also great. My deadline is 3 pm East Coast time on Friday.

Thank you,

Debra

Debra Kahn

California environment and transportation reporter

POLITICO

dkahn@politico.com | 415-871-5477 (m) | @debra_kahn (t)

Message

From: Spraul, Greg [Spraul.Greg@epa.gov]
Sent: 12/28/2018 8:14:49 PM
To: Forsgren, Lee [Forsgren.Lee@epa.gov]
Subject: RE: draft Cargill confirmation fact sheet
Attachments: Cargill-lf-gs.docx

Lee,

The background bullet you added wasn't super clear to me, so I made some edits. However, my edits may have diluted or changed the meaning. Please take a look.

From: Forsgren, Lee
Sent: Friday, December 28, 2018 2:56 PM
To: Spraul, Greg <Spraul.Greg@epa.gov>
Subject: RE: draft Cargill confirmation fact sheet

Greg,

What do you think of this?

Lee

From: Spraul, Greg
Sent: Friday, December 28, 2018 2:28 PM
To: Forsgren, Lee <Forsgren.Lee@epa.gov>
Cc: McDonough, Owen <mcdonough.owen@epa.gov>
Subject: draft Cargill confirmation fact sheet

Lee,

Attached is a draft Cargill fact sheet for the Wheeler confirmation process. The redline are my edits to the original OWOW draft.

Deliberative Process / Ex. 5

Please let me know if you have edits.

Greg Spraul
Director, Congressional Affairs Task Force
Office of Water
U.S. EPA
Direct: 202-564-0255

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EPW Committee Member Bios

<i>Chairman John Barrasso (R-WY)</i>	<i>REP-1</i>
Senator Jim Inhofe (R-OK)	REP-2
Senator Shelley Moore Capito (R-WV)	REP-3
Senator Kevin Cramer (R-ND)	REP-4
Senator Mike Braun (R-IN)	REP-5
Senator Mike Rounds (R-SD)	REP-6
Senator Dan Sullivan (R-AK)	REP-7
Senator John Boozman (R-AR)	REP-8
Senator Roger Wicker (R-MS)	REP-9
Senator Richard Shelby (R-AL)	REP-10
Senator Joni Ernst (R-IA)	REP-11
<i>Ranking Member Tom Carper (D-DE)</i>	<i>DEM-1</i>
Senator Ben Cardin (D-MD)	DEM-2
Senator Bernie Sanders (I-VT)	DEM-3
Senator Sheldon Whitehouse (D-RI)	DEM-4
Senator Jeff Merkley (D-OR)	DEM-5
Senator Kirsten Gillibrand (D-NY)	DEM-6
Senator Cory Booker (D-NJ)	DEM-7
Senator Ed Markey (D-MA)	DEM-8
Senator Tammy Duckworth (D-IL)	DEM-9
Senator Chris Van Hollen (D-MD)	DEM-10



United States Senate
WASHINGTON, DC 20510-0504

December 18, 2018

The Honorable Andrew Wheeler
Acting Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Ave NW
Washington, D.C. 20004

Dear Mr. Wheeler,

I understand that the Environmental Protection Agency (EPA) may be considering a final decision regarding a *Clean Water Act* jurisdictional determination (determination) for the Redwood City salt ponds comprised of approximately 1,300 acres adjacent to San Francisco Bay. I have a long-standing interest in the salt ponds, and I would greatly appreciate an opportunity to sit down with you to discuss this issue prior to your making a final decision.

In 2003, I helped negotiate the acquisition of 16,500 acres of Cargill's salt ponds along the San Francisco Bay and Napa River by federal and state agencies. This historic public-private partnership marked the beginning of the largest tidal wetland restoration project on the West Coast. In this area alone, 85 percent of San Francisco Bay's historic wetlands had been lost to fill or alteration. Impacts from the loss of these wetlands were devastating to San Francisco Bay and its wildlife.

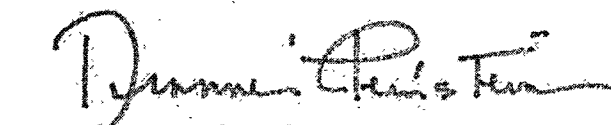
However, with the successful implementation of the South Bay Salt Ponds Project, we have seen this once vibrant ecosystem begin to rebound. More than 8,000 of the 15,100 acres of the project have been restored to tidal marsh, mud flat and other wetland habitats resulting in a 100 percent increase in waterfowl and 133 percent increase in migratory shorebirds. Despite this progress, San Francisco Bay remains fragile, and we have much work to do to continue restoring this vital ecosystem.

As a lifelong San Francisco resident, every time I fly home I am able to see the progress of this impressive and critical wetland restoration project from the air, and I am proud that the work we began in 2003 is ongoing. As this area is of great

personal importance to me, I would appreciate the opportunity to meet with you and discuss the status of EPA's determination before you make your final decision.

I look forward to hearing from you and working together on this issue.

Sincerely,



Dianne Feinstein
United States Senate

DF:as:ch

From: Rodrick, Christian [rodrick.christian@epa.gov]
Sent: 2/1/2019 7:26:03 PM
To: Rodrick, Christian [rodrick.christian@epa.gov]
CC: Beach, Christopher [beach.christopher@epa.gov]; Beck, Nancy [Beck.Nancy@epa.gov]; Bennett, Tate [Bennett.Tate@epa.gov]; Block, Molly [block.molly@epa.gov]; Bodine, Susan [bodine.susan@epa.gov]; Bolen, Brittany [bolen.brittany@epa.gov]; Munoz, Charles [munoz.charles@epa.gov]; Bolen, Derrick [bolen.derrick@epa.gov]; Chancellor, Erin [chancellor.erin@epa.gov]; Cook, Steven [cook.steven@epa.gov]; Darwin, Henry [darwin.henry@epa.gov]; Wright, Peter [wright.peter@epa.gov]; Darwin, Veronica [darwin.veronica@epa.gov]; Dominguez, Alexander [dominguez.alexander@epa.gov]; Feeley, Drew (Robert) [Feeley.Drew@epa.gov]; Forsgren, Lee [Forsgren.Lee@epa.gov]; Fotouhi, David [Fotouhi.David@epa.gov]; Frye, Tony (Robert) [frye.robert@epa.gov]; Voyles, Travis [Voyles.Travis@epa.gov]; Gordon, Stephen [gordon.stephen@epa.gov]; Brazauskas, Joseph [brazauskas.joseph@epa.gov]; Greaves, Holly [greaves.holly@epa.gov]; Greenwalt, Sarah [greenwalt.sarah@epa.gov]; Gunasekara, Mandy [Gunasekara.Mandy@epa.gov]; Harlow, David [harlow.david@epa.gov]; Hewitt, James [hewitt.james@epa.gov]; Jackson, Ryan [jackson.ryan@epa.gov]; Konkus, John [konkus.john@epa.gov]; Kunding, Kelly [kunding.kelly@epa.gov]; McIntosh, Chad [mcintosh.chad@epa.gov]; Leopold, Matt (OGC) [Leopold.Matt@epa.gov]; Letendre, Daisy [letendre.daisy@epa.gov]; Lovell, Will (William) [lovell.william@epa.gov]; Lyons, Troy [lyons.troy@epa.gov]; McMurray, Forrest [mcmurray.forrest@epa.gov]; Abboud, Michael [abboud.michael@epa.gov]; Molina, Michael [molina.michael@epa.gov]; Palich, Christian [palich.christian@epa.gov]; Ringel, Aaron [ringel.aaron@epa.gov]; Ross, David P [ross.davidp@epa.gov]; Schwab, Justin [Schwab.Justin@epa.gov]; Traylor, Patrick [traylor.patrick@epa.gov]; Wagner, Kenneth [wagner.kenneth@epa.gov]; Wehrum, Bill [Wehrum.Bill@epa.gov]; White, Elizabeth [white.elizabeth@epa.gov]; Wildeman, Anna [wildeman.anna@epa.gov]; Woods, Clint [woods.clint@epa.gov]; Shimmin, Kaitlyn [shimmin.kaitlyn@epa.gov]; McDonough, Owen [mcdonough.owen@epa.gov]; Baptist, Erik [Baptist.Erik@epa.gov]; Tran, Victoria [tran.victoria@epa.gov]; Wright, Peter [wright.peter@epa.gov]; Brazauskas, Joseph [brazauskas.joseph@epa.gov]; Humphreys, Hayly [humphreys.hayly@epa.gov]; Eby, Natasha [eby.natasha@epa.gov]; Dunlap, David [dunlap.david@epa.gov]; Fitzmorris, Amanda [fitzmorris.amanda@epa.gov]; Terwilleger, Brock [terwilleger.brock@epa.gov]; Voyles, Travis [Voyles.Travis@epa.gov]; Jones, Lindsey [jones.lindsey@epa.gov]; Mills, William T. [mills.williamt@epa.gov]; Doyle, Brett [doyle.brett@epa.gov]; Kramer, Jessica L. [kramer.jessical@epa.gov]; Zimmer, Nathaniel [zimmer.nathaniel@epa.gov]
Subject: OCIR Weekly Report 2.1.18
Attachments: Weekly Report 02.01.2019.docx

Office of Congressional & Intergovernmental Relations

WEEKLY RECAP

Gov't Funding Congress has until midnight, Feb. 15 to pass the remaining 7 spending bills in order to avoid a partial government shut down. Congress has already funded roughly 75% of the federal government through September 2019. The bills that need approval would fund the EPA, the departments of Agriculture, Commerce, Justice, Homeland Security, Interior, State, Transportation and Housing and Urban Development, as well as several other agencies.

Nominations On January 2nd, Alex Dunn was confirmed by Voice Vote by the Senate to be AA for OCSPP. On January 3rd, Chad McIntosh was confirmed by Voice Vote by the Senate to be AA for OITA. On January 16th, the Senate Committee on Environment and Public Works held a hearing on the Nomination of Acting Administrator Wheeler to be Administrator of the EPA. On January 16th, Peter Wright was renominated by President Trump to be AA for OLEM. During the course of Acting Administrator Wheeler's nomination process, he has met with Senators Barrasso, Boozman, Braun, Capito, Cardin, Carper, Collins, Cramer, Cruz, Duckworth, Ernst, Fischer, Gillibrand, Grassley, Hawley, Inhofe, King, Lee, Manchin, Markey,

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Acting Administrator Wheeler spoke with Congresswoman Jackie Speier (CA) regarding the Cargill Salt Ponds on Friday, Feb. 1.

LOOK-A-HEAD

Feb. 4 The House and Senate are in session.
Feb. 5 SEPW to hold business meeting to consider the nominations of Acting Administrator Wheeler to be Administrator and Peter Wright to be AA for OLEM.
Feb. 6 The Subcommittee on Environment and Climate Change will hold a hearing entitled, "Time for Action: Addressing the Environmental and Economic Effects of Climate Change." No EPA or other executive branch witnesses anticipated to attend.
Feb. 13 Local leaders from Frankfort, KY will visit DC and meet with EPA officials regarding an Opportunity Zone redevelopment project
Feb. 15 Government funding is set to expire for a portion of the federal government.

STORIES OF INTEREST

CONGRESS:

- Trump's Nominee for the E.P.A.: A former agency official praises Andrew Wheeler, a career employee, for his qualifications and character. [Link](#)
- Wheeler addresses water priorities at Senate confirmation hearing. [Link](#)
- Members of US Congress launch PFAS action taskforce. [Link](#)

INTERGOV:

- Bill would educate Indiana schools about radon testing. [Link](#)
- Kevin Stitt is adding to his team. Meet the governor's staff. [Link](#)

Christian Rodrick

Congressional and Intergovernmental Relations

U.S. Environmental Protection Agency

O: (202) 564-4828

C: (202) 578-2755

E: Rodrick.Christian@epa.gov



Office of Congressional &
Intergovernmental Relations

Office of Congressional & Intergovernmental Relations

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Office of Congressional &
Intergovernmental Relations

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- Wheeler addresses water priorities at Senate confirmation hearing. [[HYPERLINK](https://waterfm.com/wheeler-addresses-water-priorities-senate-confirmation-hearing/) "https://waterfm.com/wheeler-addresses-water-priorities-senate-confirmation-hearing/"]
- Members of US Congress launch PFAS action taskforce. [[HYPERLINK](https://chemicalwatch.com/73792/members-of-us-congress-launch-pfas-action-taskforce) "https://chemicalwatch.com/73792/members-of-us-congress-launch-pfas-action-taskforce"]

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- Kevin Stitt is adding to his team. Meet the governor's staff. [[HYPERLINK](https://www.tulsaworld.com/photo/video/slideshows/kevin-stitt-is-adding-to-his-team-meet-the-governor/collection_6c4f3cd2-781b-584a-b0d1-95d8fa533570.html) "https://www.tulsaworld.com/photo/video/slideshows/kevin-stitt-is-adding-to-his-team-meet-the-governor/collection_6c4f3cd2-781b-584a-b0d1-95d8fa533570.html" \ | "1"]

Message

From: Spraul, Greg [Spraul.Greg@epa.gov]
Sent: 12/27/2018 4:27:06 PM
To: Forsgren, Lee [Forsgren.Lee@epa.gov]
Subject: FW: Speier letter
Attachments: 2018-12-19_Wheeler letter Re Salt Ponds PDF.PDF

Lee – did you see this incoming from Congresswoman Speier requesting a meeting on Redwood City? It is with OCIR for action.

From: Klasen, Matthew
Sent: Thursday, December 27, 2018 9:39 AM
To: Spraul, Greg <Spraul.Greg@epa.gov>
Cc: Skane, Elizabeth <Skane.Elizabeth@epa.gov>
Subject: Speier letter

Matt Klasen
U.S Environmental Protection Agency
Office of Congressional Affairs
WJC North 3443P
202-566-0780
cell (202) 505-0787

JACKIE SPEIER
14TH DISTRICT, CALIFORNIA

2465 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515-0514
(202) 225-3531
FAX: (202) 226-4183
155 BOVET ROAD, SUITE 780
SAN MATEO, CA 94402
(650) 342-0300
FAX: (650) 375-8270

WWW.SPEIER.HOUSE.GOV
WWW.FACEBOOK.COM/JACKIESPEIER
WWW.TWITTER.COM/REPSPEIER

Congress of the United States
House of Representatives
Washington, DC 20515-0514

COMMITTEE ON ARMED SERVICES

SUBCOMMITTEES:

RANKING MEMBER, MILITARY PERSONNEL
EMERGING THREATS

PERMANENT SELECT COMMITTEE
ON INTELLIGENCE

SUBCOMMITTEES:
EMERGING THREATS

NSA AND CYBERSECURITY

Senior Whip

December 19, 2018

The Honorable Andrew Wheeler
Acting Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20004

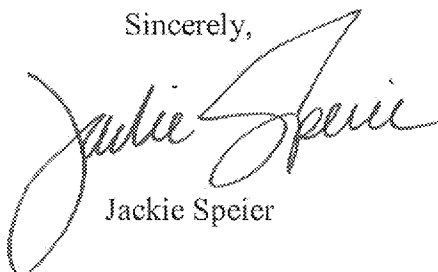
Dear Mr. Wheeler:

It is my understanding that the Environmental Protection Agency (EPA) is poised to render a decision as to whether to assert jurisdiction over the Redwood City salt ponds, which is approximately 1300 acres open to San Francisco Bay. I respectfully request an opportunity to meet with you prior to this decision being made by the EPA.

The salt ponds are located in my Congressional District and are an important opportunity for the community of Redwood City and the region. In addition to Redwood City, the changes around the ponds have potential impacts on other communities and an adjacent seaport. Any final plans for the ponds may also have precedential impact upon developments throughout the bay region. Many plans have been proposed over the years and it is important to my constituents and to the health of the San Francisco Bay estuary that the nation's laws regarding endangered species protection and restoration be upheld in any final proposals that are adopted for the property. As you know, the U.S. EPA is the agency charged with protection of those standards.

To this end, I respectfully request a meeting prior to any final decision in order to understand the agency's reasoning and to determine whether the communities that I represent, and our nation's environmental objectives, can be served by the final determination being contemplated by the EPA. I look forward to your response and ask that it be sent to my office no later than Friday, December 21, 2018.

Sincerely,



Jackie Speier



United States Senate
WASHINGTON, DC 20510-0504

December 18, 2018

The Honorable Andrew Wheeler
Acting Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Ave NW
Washington, D.C. 20004

Dear Mr. Wheeler,

I understand that the Environmental Protection Agency (EPA) may be considering a final decision regarding a *Clean Water Act* jurisdictional determination (determination) for the Redwood City salt ponds comprised of approximately 1,300 acres adjacent to San Francisco Bay. I have a long-standing interest in the salt ponds, and I would greatly appreciate an opportunity to sit down with you to discuss this issue prior to your making a final decision.

In 2003, I helped negotiate the acquisition of 16,500 acres of Cargill's salt ponds along the San Francisco Bay and Napa River by federal and state agencies. This historic public-private partnership marked the beginning of the largest tidal wetland restoration project on the West Coast. In this area alone, 85 percent of San Francisco Bay's historic wetlands had been lost to fill or alteration. Impacts from the loss of these wetlands were devastating to San Francisco Bay and its wildlife.

However, with the successful implementation of the South Bay Salt Ponds Project, we have seen this once vibrant ecosystem begin to rebound. More than 8,000 of the 15,100 acres of the project have been restored to tidal marsh, mud flat and other wetland habitats resulting in a 100 percent increase in waterfowl and 133 percent increase in migratory shorebirds. Despite this progress, San Francisco Bay remains fragile, and we have much work to do to continue restoring this vital ecosystem.

As a lifelong San Francisco resident, every time I fly home I am able to see the progress of this impressive and critical wetland restoration project from the air, and I am proud that the work we began in 2003 is ongoing. As this area is of great

personal importance to me, I would appreciate the opportunity to meet with you and discuss the status of EPA's determination before you make your final decision.

I look forward to hearing from you and working together on this issue.

Sincerely,

A handwritten signature in black ink, appearing to read "Dianne Feinstein". The signature is fluid and cursive, with the first name "Dianne" being larger and more prominent than the last name "Feinstein".

Dianne Feinstein
United States Senate

DF:as:ch

Message

From: Fuld, John [Fuld.John@epa.gov]
Sent: 12/21/2018 2:51:15 PM
To: Dennis, Allison [Dennis.Allison@epa.gov]
Subject: FW: MEDIA INQUIRY - San Mateo Daily Journal. RE:SF Bay Salt Ponds. DDL: TODAY, 12/20 @ 5 PM

Original on the 2nd one

From: Lynn, Tricia
Sent: Thursday, December 20, 2018 3:19 PM
To: Fuld, John <Fuld.John@epa.gov>
Subject: MEDIA INQUIRY - San Mateo Daily Journal. RE:SF Bay Salt Ponds. DDL: TODAY, 12/20 @ 5 PM

Deadline: TODAY, 12/20 @ 5 PM
Outlet: San Mateo Daily Journal
Reporter: Zachary Clark
zachary@smdailyjournal.com

1. I understand the EPA will soon make an announcement about the Cargill salt ponds site in Redwood City and another in Newark. The announcement, I'm told, is that neither of those sites meet the definition of "water" and therefore are not protected by the Clean Water Act. Is that true and how/when will the announcement be made?
2. Why is this decision being made and why now?

Message

From: Grantham, Nancy [Grantham.Nancy@epa.gov]
Sent: 12/21/2018 2:41:51 PM
To: Press [Press@epa.gov]
CC: Dennis, Allison [Dennis.Allison@epa.gov]
Subject: FW: Media Question - NPR

FYI .. Allison Dennis in OW is the contact on this matter.

Thanks ng

-----Original Message-----

From: Zito, Kelly
Sent: Thursday, December 20, 2018 1:15 PM
To: Press <Press@epa.gov>
Cc: Grantham, Nancy <Grantham.Nancy@epa.gov>
Subject: FW: Media Question - NPR

See below - another query about this site on SF Bay.

-----Original Message-----

From: Lauren Sommer <lsommer@KQED.org>
Sent: Thursday, December 20, 2018 10:08 AM
To: Lynn, Tricia <lynn.tricia@epa.gov>; Press <Press@epa.gov>; Zito, Kelly <ZITO.KELLY@EPA.GOV>
Subject: Media Question - NPR

Hello,

I' ve been told that EPA HQ will be making a Clean Water Act jurisdictional determination for the Redwood City Salt Ponds site in San Mateo County, California. Has that been issued or is it forthcoming? If so, when?

Thanks,
Lauren

Lauren Sommer
Science and Environment Reporter
KQED Public Radio
415.553.2101 T
twitter @lesommer<<http://twitter.com/lesommer>>
kqed.org/science<<http://www.kqed.org/science>>

Redwood City Salt Plant Jurisdictional Determination

Action: EPA finalizes its jurisdictional determination regarding the Redwood City Salt Plant site in California

Background: DMB Pacific Ventures, LLC and Cargill have proposed to build a housing project (known as “Saltworks”) on a 1,400-acre diked area on the Redwood City shoreline in the south San Francisco Bay area. The site was tidal marsh prior to conversion to a salt plant in 1901. The property is owned by Cargill, which operates a salt-making facility on the site. In 2012, Saltworks requested an approved jurisdictional determination (AJD) from the U.S. Army Corps of Engineers (Corps) under the Clean Water Act (CWA) and Rivers and Harbors Act (RHA). In March 2015, the Corps issued an AJD concluding that only a small portion of the Saltworks site is regulated under the RHA. In March 2015, EPA announced that it was exercising its “special case” authority to make the jurisdictional determination under the CWA.

Deliberative Process / Ex. 5

Anticipated Reaction:

Deliberative Process / Ex. 5

Desk Statement: Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Q&A:

Q: What is a jurisdictional water?

A: A jurisdictional water – or a “water of the United States” – is a water that is subject to the regulatory provisions of the Clean Water Act (CWA). Under the CWA, it is unlawful to discharge pollutants, including dredged or fill material, from a point source to waters of the United States without a permit, unless the discharge qualifies for a statutory or regulatory exemption.

Q: What is a jurisdictional determination?

A: An approved jurisdictional determination (AJD) is an official Federal Government document expressing its view that jurisdictional “waters of the United States” are either present or absent on a particular site. A “positive” AJD identifies the limits of the waters on a site that the agency views as jurisdictional under Section 404 of the Clean Water Act (CWA). If a water or feature is not a “water of the United States,” it is not subject to the permitting requirements and other federal regulatory provisions of the CWA.

Q: Who makes jurisdictional determinations?

A: Most jurisdictional determinations (JDs) are made by the U.S. Army Corps of Engineers (Corps) at the request of a landowner or permit applicant who submits information, such as a delineation of waters present on the site, for review. Additionally, a 1989 MOU between the U.S. Environmental Protection Agency (EPA) and the Corps provides that EPA can designate certain JDs as “special cases” and make the final determination on the jurisdictional status of potential waters of the United States.

Message

From: Wildeman, Anna [wildeman.anna@epa.gov]
Sent: 1/7/2019 12:27:13 AM
To: Forsgren, Lee [Forsgren.Lee@epa.gov]
CC: Ross, David P [ross.davidp@epa.gov]
Subject: Fwd: Additional Confirmation Fact Sheets
Attachments: Cargill-Redwood-City.docx; ATT00001.htm; Bay-Delta.docx; ATT00002.htm; WV_Aluminum_Criteria_Capito.docx; ATT00003.htm

Lee, were these additional papers provided to the administrator's office? I just got through the papers OCIR provided Friday for hearing prep and these aren't in that email. Should we bring printed copies to our meeting tomorrow, just in case?

Thanks!

Begin forwarded message:

From: "Spraul, Greg" <Spraul.Greg@epa.gov>
Date: December 28, 2018 at 6:16:15 PM EST
To: "Forsgren, Lee" <Forsgren.Lee@epa.gov>
Cc: "McDonough, Owen" <mcdonough.owen@epa.gov>, "Wildeman, Anna" <wildeman.anna@epa.gov>
Subject: Additional Confirmation Fact Sheets

Lee,

All of the other fact sheets are attached to the email I sent you and Dave on 12/21 at 1:48PM. The 3 attached here are additional ones you requested.

Deliberative Process / Ex. 5

Greg Spraul
Director, Congressional Affairs Task Force
Office of Water
U.S. EPA
Direct: 202-564-0255

Message

From: Spraul, Greg [Spraul.Greg@epa.gov]
Sent: 12/14/2018 9:47:46 PM
To: Anderson, William [Anderson.William@epa.gov]; Corr, Elizabeth [Corr.Elizabeth@epa.gov]; Orvin, Chris [Orvin.Chris@epa.gov]; Lalley, Cara [Lalley.Cara@epa.gov]
CC: Stebe, Katherine [Stebe.Katherine@epa.gov]; Tiago, Joseph [Tiago.Joseph@epa.gov]; Maddox, Donald [Maddox.Donald@epa.gov]; Lape, Jeff [lape.jeff@epa.gov]; Wadlington, Christina [Wadlington.Christina@epa.gov]; Bravo, Antonio [Bravo.Antonio@epa.gov]; Sawyers, Andrew [Sawyers.Andrew@epa.gov]; Shimkin, Martha [Shimkin.Martha@epa.gov]; Mclain, Jennifer [Mclain.Jennifer@epa.gov]; Goodin, John [Goodin.John@epa.gov]; Connors, Sandra [Connors.Sandra@epa.gov]; Nagle, Deborah [Nagle.Deborah@epa.gov]; Forsgren, Lee [Forsgren.Lee@epa.gov]; Best-Wong, Benita [Best-Wong.Benita@epa.gov]; Vazquez, Sharon [Vazquez.Sharon@epa.gov]; Lousberg, Macara [Lousberg.Macara@epa.gov]; Drinkard, Andrea [Drinkard.Andrea@epa.gov]; Dennis, Allison [Dennis.Allison@epa.gov]; Wildeman, Anna [wildeman.anna@epa.gov]; McDonough, Owen [mcdonough.owen@epa.gov]
Subject: Wheeler Confirmation Fact Sheets and Questions that went to OCIR
Attachments: Fact Sheets To OCIR.zip

Internal/Deliberative

OW Congressional Contacts,

Thank you for all of the hard work developing these papers. Attached is what was sent to OCIR. These are not final as OCIR is likely to have comments. These are clean versions. You can use the compare feature in Word to see the changes made to the versions you sent.

Have a great weekend!

Greg Spraul
Director, Congressional Affairs Task Force
Office of Water
U.S. EPA
Direct: 202-564-0255

Message

From: Forsgren, Lee [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=A055D7329D5B470FBAA9920CE1B68A7D-FORSGREN, D]
Sent: 12/28/2018 8:39:55 PM
To: Spraul, Greg [Spraul.Greg@epa.gov]
Subject: RE: draft Cargill confirmation fact sheet

Great!

From: Spraul, Greg
Sent: Friday, December 28, 2018 3:40 PM
To: Forsgren, Lee <Forsgren.Lee@epa.gov>
Subject: RE: draft Cargill confirmation fact sheet

Ok. I will call at 3:45

From: Forsgren, Lee
Sent: Friday, December 28, 2018 3:28 PM
To: Spraul, Greg <Spraul.Greg@epa.gov>
Subject: RE: draft Cargill confirmation fact sheet

Personal Phone / Ex. 6

From: Spraul, Greg
Sent: Friday, December 28, 2018 3:15 PM
To: Forsgren, Lee <Forsgren.Lee@epa.gov>
Subject: RE: draft Cargill confirmation fact sheet

Lee,

Personal Phone / Ex. 6

From: Forsgren, Lee
Sent: Friday, December 28, 2018 2:56 PM
To: Spraul, Greg <Spraul.Greg@epa.gov>
Subject: RE: draft Cargill confirmation fact sheet

Greg,

What do you think of this?

Lee

From: Spraul, Greg
Sent: Friday, December 28, 2018 2:28 PM
To: Forsgren, Lee <Forsgren.Lee@epa.gov>
Cc: McDonough, Owen <mcdonough.owen@epa.gov>
Subject: draft Cargill confirmation fact sheet

Lee,

Personal Phone / Ex. 6

Please let me know if you have edits.

Greg Spraul
Director, Congressional Affairs Task Force
Office of Water
U.S. EPA
Direct: 202-564-0255

Message

From: Forsgren, Lee [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=A055D7329D5B470FBAA9920CE1B68A7D-FORSGREN, D]
Sent: 12/28/2018 7:55:34 PM
To: Spraul, Greg [Spraul.Greg@epa.gov]
Subject: RE: draft Cargill confirmation fact sheet
Attachments: Cargill.docx

Greg,

Deliberative Process / Ex. 5

Lee

From: Spraul, Greg
Sent: Friday, December 28, 2018 2:28 PM
To: Forsgren, Lee <Forsgren.Lee@epa.gov>
Cc: McDonough, Owen <mcdonough.owen@epa.gov>
Subject: draft Cargill confirmation fact sheet

Lee,

Deliberative Process / Ex. 5

Please let me know if you have edits.

Greg Spraul
Director, Congressional Affairs Task Force
Office of Water
U.S. EPA
Direct: 202-564-0255

Message

From: Forsgren, Lee [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=A055D7329D5B470FBAA9920CE1B68A7D-FORSGREN, D]
Sent: 2/1/2019 10:41:16 PM
To: Lyons, Troy [lyons.troy@epa.gov]; Leopold, Matt (OGC) [Leopold.Matt@epa.gov]; Fotouhi, David [fotouhi.david@epa.gov]; Wildeman, Anna [wildeman.anna@epa.gov]
CC: Jackson, Ryan [jackson.ryan@epa.gov]; Molina, Michael [molina.michael@epa.gov]; Marshall, William [marshall.william@epa.gov]; Kunding, Kelly [kunding.kelly@epa.gov]; Flinn, Darren [flinn.darren@epa.gov]; Swanson, Carl [swanson.carl@epa.gov]; Hewitt, James [hewitt.james@epa.gov]
Subject: RE: Redwood City Site Visit

Troy, Molly,

Here are is a point of contact that Assistant Secretary for Fish Wildlife and Parks at Dol gave me for the Don Edwards National Wildlife Refuge.

Anne Morkill is the refuge project leader:

- (510) 792-0222 office
- (510) 377-9450 cell

Let me know if you need any additional support.

Regards,

Lee

D. Lee Forsgren

Deputy Assistant Administrator
Office of Water
Environmental Protection Agency
1200 Pennsylvania, Avenue NW
Room 3219B WJC East Building
Washington, DC 20460
202-564-5700

From: Lyons, Troy
Sent: Friday, February 1, 2019 4:09 PM
To: Leopold, Matt (OGC) <Leopold.Matt@epa.gov>; Fotouhi, David <fotouhi.david@epa.gov>; Forsgren, Lee <Forsgren.Lee@epa.gov>; Wildeman, Anna <wildeman.anna@epa.gov>
Cc: Jackson, Ryan <jackson.ryan@epa.gov>; Molina, Michael <molina.michael@epa.gov>; Marshall, William <marshall.william@epa.gov>; Kunding, Kelly <kunding.kelly@epa.gov>; Flinn, Darren <flinn.darren@epa.gov>; Swanson, Carl <swanson.carl@epa.gov>; Hewitt, James <hewitt.james@epa.gov>
Subject: Redwood City Site Visit
Importance: High

All—

The Administrator is now going to do a site visit of the Redwood City Cargill Salt Ponds. This just came together. I am working with the Congresswoman's office now, but do you have any recommendations as to where he and Congresswoman Speier should visit? He will have about 30 minutes total for the visit.

Many thanks,

Troy

Troy M. Lyons

Associate Administrator

Office of Congressional & Intergovernmental Relations

U.S. Environmental Protection Agency

202-309-2490 (cell)

Message

From: Forsgren, Lee [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=A055D7329D5B470FBAA9920CE1B68A7D-FORSGREN, D]
Sent: 2/1/2019 9:28:41 PM
To: Lyons, Troy [lyons.troy@epa.gov]; Leopold, Matt (OGC) [Leopold.Matt@epa.gov]; Fotouhi, David [fotouhi.david@epa.gov]; Wildeman, Anna [wildeman.anna@epa.gov]
CC: Jackson, Ryan [jackson.ryan@epa.gov]; Molina, Michael [molina.michael@epa.gov]; Marshall, William [marshall.william@epa.gov]; Kunding, Kelly [kunding.kelly@epa.gov]; Flinn, Darren [flinn.darren@epa.gov]; Swanson, Carl [swanson.carl@epa.gov]; Hewitt, James [hewitt.james@epa.gov]
Subject: RE: Redwood City Site Visit

Troy,

Would recommend that the Administrator visit the Redwood City site and visit one of the previous restoration sites like the "Don Edwards National Wildlife Refuge".

Both shown below.

Regards,
Lee

Here is the [FWS site map of the Don Edwards National Wildlife Refuge](#) area (in green) modified to identify the Redwood City Salt Plant site (in red):



From: Lyons, Troy

Sent: Friday, February 1, 2019 4:09 PM

To: Leopold, Matt (OGC) <Leopold.Matt@epa.gov>; Fotouhi, David <fotouhi.david@epa.gov>; Forsgren, Lee <Forsgren.Lee@epa.gov>; Wildeman, Anna <wildeman.anna@epa.gov>

Cc: Jackson, Ryan <jackson.ryan@epa.gov>; Molina, Michael <molina.michael@epa.gov>; Marshall, William <marshall.william@epa.gov>; Kunding, Kelly <kunding.kelly@epa.gov>; Flinn, Darren <flinn.darren@epa.gov>; Swanson, Carl <swanson.carl@epa.gov>; Hewitt, James <hewitt.james@epa.gov>

Subject: Redwood City Site Visit

Importance: High

All—

The Administrator is now going to do a site visit of the Redwood City Cargill Salt Ponds. This just came together. I am working with the Congresswoman's office now, but do you have any recommendations as to where he and Congresswoman Speier should visit? He will have about 30 minutes total for the visit.

Many thanks,

Troy

Troy M. Lyons

Associate Administrator

Office of Congressional & Intergovernmental Relations

U.S. Environmental Protection Agency

202-309-2490 (cell)

Message

From: Forsgren, Lee [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=A055D7329D5B470FBAA9920CE1B68A7D-FORSGREN, D]
Sent: 12/27/2018 7:46:50 PM
To: Spraul, Greg [Spraul.Greg@epa.gov]
Subject: RE: FYI: New letters from Sen. Feinstein and Rep. Speier on Redwood City/Cargill jurisdictional determination

Thanks

From: Spraul, Greg
Sent: Thursday, December 27, 2018 2:46 PM
To: Forsgren, Lee <Forsgren.Lee@epa.gov>
Subject: FW: FYI: New letters from Sen. Feinstein and Rep. Speier on Redwood City/Cargill jurisdictional determination

A bit more on this from OCIR

From: Klasen, Matthew
Sent: Thursday, December 27, 2018 2:42 PM
To: Spraul, Greg <Spraul.Greg@epa.gov>
Subject: FW: FYI: New letters from Sen. Feinstein and Rep. Speier on Redwood City/Cargill jurisdictional determination

FYI. **Deliberative Process / Ex. 5**

Matt Klasen
U.S Environmental Protection Agency
Office of Congressional Affairs
WJC North 3443P
202-566-0780
cell **Personal Phone / Ex. 6**

From: Lyons, Troy
Sent: Thursday, December 27, 2018 2:41 PM
To: Klasen, Matthew <Klasen.Matthew@epa.gov>
Cc: Palich, Christian <palich.christian@epa.gov>; Frye, Tony (Robert) <frye.robert@epa.gov>; Ringel, Aaron <ringel.aaron@epa.gov>; Rodrick, Christian <rodrick.christian@epa.gov>; Richardson, RobinH <Richardson.RobinH@epa.gov>; Borum, Denis <Borum.Denis@epa.gov>; Kaiser, Sven-Erik <Kaiser.Sven-Erik@epa.gov>; Skane, Elizabeth <Skane.Elizabeth@epa.gov>
Subject: Re: FYI: New letters from Sen. Feinstein and Rep. Speier on Redwood City/Cargill jurisdictional determination

Deliberative Process / Ex. 5

Sent from my iPhone

On Dec 27, 2018, at 2:38 PM, Klasen, Matthew <Klasen.Matthew@epa.gov> wrote:

OCIR team,

Heads up that we've received two letters in recent days from CA members on the Redwood City salt ponds jurisdictional determination in California – one from Senator Feinstein (dated Dec. 18) and one from Congresswoman Speier (dated Dec. 19). (This is Denis's issue on our water team, but he's out all week.) Both incoming letters are attached.

Deliberative Process / Ex. 5

Thanks,
Matt

Matt Klasen
U.S Environmental Protection Agency
Office of Congressional Affairs
WJC North 3443P
202-566-0780
cell Personal Phone / Ex. 6

<2018-12-18 Feinstein incoming re Redwood City salt ponds.pdf>

<2018-12-19 Speier Incoming re Redwood City salt ponds.pdf>

Message

From: Forsgren, Lee [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=A055D7329D5B470FBAA9920CE1B68A7D-FORSGREN, D]
Sent: 12/27/2018 7:38:05 PM
To: Fotouhi, David [fotouhi.david@epa.gov]
Subject: FW: Feinstein Redwood City/Cargill letter
Attachments: 19-000-1958.pdf

FYI

Message

From: Forsgren, Lee [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=A055D7329D5B470FBAA9920CE1B68A7D-FORSGREN, D]
Sent: 1/4/2019 3:49:46 PM
To: Grantham, Nancy [Grantham.Nancy@epa.gov]
Subject: RE: Reporter writing on Redwood City salt ponds

Thanks for the heads up Nancy.

From: Grantham, Nancy
Sent: Friday, January 4, 2019 10:43 AM
To: Forsgren, Lee <Forsgren.Lee@epa.gov>
Subject: FW: Reporter writing on Redwood City salt ponds

Fyi

From: Grantham, Nancy
Sent: Friday, January 4, 2019 9:11 AM
To: dkahn@politico.com
Cc: Press <Press@epa.gov>
Subject: FW: Reporter writing on Redwood City salt ponds

Due to a lapse in appropriations, the **EPA Press Office will only be responding to inquiries related to the government shut down or inquiries in the event of an environmental emergency imminently threatening the safety of human life or where necessary to protect certain property.** Other inquiries will be responded to when the government reopens.

EPA websites will not be regularly updated. In the event of an environmental emergency, the EPA website will be updated with appropriate information. Please note that all information on the EPA website may not be up to date, and transactions and inquiries submitted to the EPA website may not be processed or responded to until appropriations are enacted.

From: Debra Kahn <dkahn@politico.com>
Sent: Friday, January 4, 2019 1:18 AM
To: Zito, Kelly <ZITO.KELLY@EPA.GOV>; Lynn, Tricia <lynn.tricia@epa.gov>
Cc: Forsgren, Lee <Forsgren.Lee@epa.gov>; Ross, David <Ross.David@epa.gov>; Fotouhi, David <fotouhi.david@epa.gov>
Subject: Reporter writing on Redwood City salt ponds

Hello,

I'm a reporter with Politico, working on a story about congressional Democrats asking acting Administrator Wheeler to discuss an apparently pending Clean Water Act jurisdictional determination at the Redwood City salt ponds.

I was wondering if anyone might be able to confirm that the agency is considering making the determination, or whether it's already happened? Has the administrator responded to Sen. Feinstein and Rep. Speier's letters?

Please feel free to give me a call at 415 871-5477 or email is also great. My deadline is 3 pm East Coast time on Friday.

Thank you,

Debra

Debra Kahn

California environment and transportation reporter

POLITICO

dkahn@politico.com | 415-871-5477 (m) | @debra_kahn (t)

Message

From: Palich, Christian [palich.christian@epa.gov]
Sent: 12/21/2018 3:33:58 PM
To: Ross, David P [ross.davidp@epa.gov]; Forsgren, Lee [Forsgren.Lee@epa.gov]; Wildeman, Anna [wildeman.anna@epa.gov]; McDonough, Owen [mcdonough.owen@epa.gov]
CC: Frye, Tony (Robert) [frye.robert@epa.gov]; Lyons, Troy [lyons.troy@epa.gov]
Subject: Feinstein Letter
Attachments: image2018-12-21-103132.pdf

Hi Team OW,

Please see attached letter from Senator Feinstein.

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Thank you!

Christian R. Palich
Deputy Associate Administrator
Office of Congressional & Intergovernmental Affairs
U.S Environmental Protection Agency
O: 202.564.4944
C: [Personal Phone / Ex. 6]
E: Palich.Christian@epa.gov

Message

From: Jackson, Ryan [jackson.ryan@epa.gov]
Sent: 1/28/2019 5:32:39 PM
To: Fotouhi, David [Fotouhi.David@epa.gov]; Lyons, Troy [lyons.troy@epa.gov]; Humphreys, Hayly [humphreys.hayly@epa.gov]
CC: Leopold, Matt (OGC) [Leopold.Matt@epa.gov]; Palich, Christian [palich.christian@epa.gov]; Eby, Natasha [eby.natasha@epa.gov]; Wildeman, Anna [wildeman.anna@epa.gov]
Subject: RE: Senator Feinstein

Big thanks.

From: Fotouhi, David
Sent: Monday, January 28, 2019 11:31 AM
To: Lyons, Troy <lyons.troy@epa.gov>; Humphreys, Hayly <humphreys.hayly@epa.gov>
Cc: Jackson, Ryan <jackson.ryan@epa.gov>; Leopold, Matt (OGC) <Leopold.Matt@epa.gov>; Palich, Christian <palich.christian@epa.gov>; Eby, Natasha <eby.natasha@epa.gov>; Wildeman, Anna <wildeman.anna@epa.gov>
Subject: RE: Senator Feinstein

Deliberative Process / Ex. 5

David Fotouhi

Principal Deputy General Counsel
Office of General Counsel
U.S. Environmental Protection Agency
Tel: +1 202.564.1976
fotouhi.david@epa.gov

From: Lyons, Troy
Sent: Monday, January 28, 2019 11:30 AM
To: Humphreys, Hayly <humphreys.hayly@epa.gov>
Cc: Fotouhi, David <fotouhi.david@epa.gov>; Jackson, Ryan <jackson.ryan@epa.gov>; Leopold, Matt (OGC) <Leopold.Matt@epa.gov>; Palich, Christian <palich.christian@epa.gov>; Eby, Natasha <eby.natasha@epa.gov>; Wildeman, Anna <wildeman.anna@epa.gov>
Subject: Re: Senator Feinstein

Deliberative Process / Ex. 5

Sent from my iPhone

On Jan 28, 2019, at 11:11 AM, Humphreys, Hayly <humphreys.hayly@epa.gov> wrote:

Deliberative Process / Ex. 5

Hayly Humphreys
Office of the Administrator
U.S. EPA

From: Lyons, Troy
Sent: Monday, January 28, 2019 11:09 AM
To: Fotouhi, David <fotouhi.david@epa.gov>
Cc: Jackson, Ryan <jackson.ryan@epa.gov>; Humphreys, Hayly <humphreys.hayly@epa.gov>; Leopold, Matt (OGC) <Leopold.Matt@epa.gov>; Palich, Christian <palich.christian@epa.gov>; Eby, Natasha <eby.natasha@epa.gov>; Wildeman, Anna <wildeman.anna@epa.gov>
Subject: RE: Senator Feinstein

Deliberative Process / Ex. 5

From: Fotouhi, David
Sent: Monday, January 28, 2019 11:06 AM
To: Lyons, Troy <lyons.troy@epa.gov>
Cc: Jackson, Ryan <jackson.ryan@epa.gov>; Humphreys, Hayly <humphreys.hayly@epa.gov>; Leopold, Matt (OGC) <Leopold.Matt@epa.gov>; Palich, Christian <palich.christian@epa.gov>; Eby, Natasha <eby.natasha@epa.gov>; Wildeman, Anna <wildeman.anna@epa.gov>
Subject: RE: Senator Feinstein

Troy:

Deliberative Process / Ex. 5

Best,

David

David Fotouhi

Principal Deputy General Counsel
Office of General Counsel
U.S. Environmental Protection Agency
Tel: +1 202.564.1976
fotouhi.david@epa.gov

From: Leopold, Matt (OGC)
Sent: Friday, December 21, 2018 6:23 PM
To: Lyons, Troy <lyons.troy@epa.gov>; Fotouhi, David <fotouhi.david@epa.gov>
Cc: Jackson, Ryan <jackson.ryan@epa.gov>; Humphreys, Hayly <humphreys.hayly@epa.gov>; Palich, Christian <palich.christian@epa.gov>; Eby, Natasha <eby.natasha@epa.gov>; Wildeman, Anna <wildeman.anna@epa.gov>
Subject: RE: Senator Feinstein

Ok. Thanks

From: Lyons, Troy
Sent: Friday, December 21, 2018 4:22 PM
To: Leopold, Matt (OGC) <Leopold.Matt@epa.gov>; Fotouhi, David <fotouhi.david@epa.gov>
Cc: Jackson, Ryan <jackson.ryan@epa.gov>; Humphreys, Hayly <humphreys.hayly@epa.gov>; Palich, Christian <palich.christian@epa.gov>; Eby, Natasha <eby.natasha@epa.gov>; Wildeman, Anna <wildeman.anna@epa.gov>

Subject: Senator Feinstein

Importance: High

Deliberative Process / Ex. 5

Troy

Troy M. Lyons

Associate Administrator

Office of Congressional & Intergovernmental Relations

U.S. Environmental Protection Agency

202-309-2490 (cell)

Message

From: Wildeman, Anna [wildeman.anna@epa.gov]
Sent: 1/28/2019 5:28:17 PM
To: Fotouhi, David [Fotouhi.David@epa.gov]
Subject: RE: Senator Feinstein

Deliberative Process / Ex. 5

From: Fotouhi, David
Sent: Monday, January 28, 2019 12:27 PM
To: Wildeman, Anna <wildeman.anna@epa.gov>
Subject: RE: Senator Feinstein

Deliberative Process / Ex. 5

David Fotouhi

Principal Deputy General Counsel
Office of General Counsel
U.S. Environmental Protection Agency
Tel: +1 202.564.1976
fotouhi.david@epa.gov

From: Wildeman, Anna
Sent: Monday, January 28, 2019 12:25 PM
To: Fotouhi, David <fotouhi.david@epa.gov>
Subject: RE: Senator Feinstein

Deliberative Process / Ex. 5

From: Fotouhi, David
Sent: Monday, January 28, 2019 11:31 AM
To: Lyons, Troy <lyons.troy@epa.gov>; Humphreys, Hayly <humphreys.hayly@epa.gov>
Cc: Jackson, Ryan <jackson.ryan@epa.gov>; Leopold, Matt (OGC) <Leopold.Matt@epa.gov>; Palich, Christian <palich.christian@epa.gov>; Eby, Natasha <eby.natasha@epa.gov>; Wildeman, Anna <wildeman.anna@epa.gov>
Subject: RE: Senator Feinstein

Deliberative Process / Ex. 5

David Fotouhi

Principal Deputy General Counsel
Office of General Counsel
U.S. Environmental Protection Agency
Tel: +1 202.564.1976
fotouhi.david@epa.gov

From: Lyons, Troy
Sent: Monday, January 28, 2019 11:30 AM

To: Humphreys, Hayly <humphreys.hayly@epa.gov>

Cc: Fotouhi, David <fotouhi.david@epa.gov>; Jackson, Ryan <jackson.ryan@epa.gov>; Leopold, Matt (OGC)

<Leopold.Matt@epa.gov>; Palich, Christian <palich.christian@epa.gov>; Eby, Natasha <eby.natasha@epa.gov>;

Wildeman, Anna <wildeman.anna@epa.gov>

Subject: Re: Senator Feinstein

Deliberative Process / Ex. 5

Sent from my iPhone

On Jan 28, 2019, at 11:11 AM, Humphreys, Hayly <humphreys.hayly@epa.gov> wrote:

Deliberative Process / Ex. 5

Hayly Humphreys

Office of the Administrator

U.S. EPA

From: Lyons, Troy

Sent: Monday, January 28, 2019 11:09 AM

To: Fotouhi, David <fotouhi.david@epa.gov>

Cc: Jackson, Ryan <jackson.ryan@epa.gov>; Humphreys, Hayly <humphreys.hayly@epa.gov>; Leopold,

Matt (OGC) <Leopold.Matt@epa.gov>; Palich, Christian <palich.christian@epa.gov>; Eby, Natasha

<eby.natasha@epa.gov>; Wildeman, Anna <wildeman.anna@epa.gov>

Subject: RE: Senator Feinstein

Deliberative Process / Ex. 5

From: Fotouhi, David

Sent: Monday, January 28, 2019 11:06 AM

To: Lyons, Troy <lyons.troy@epa.gov>

Cc: Jackson, Ryan <jackson.ryan@epa.gov>; Humphreys, Hayly <humphreys.hayly@epa.gov>; Leopold,

Matt (OGC) <Leopold.Matt@epa.gov>; Palich, Christian <palich.christian@epa.gov>; Eby, Natasha

<eby.natasha@epa.gov>; Wildeman, Anna <wildeman.anna@epa.gov>

Subject: RE: Senator Feinstein

Troy:

Deliberative Process / Ex. 5

Best,

David

David Fotouhi

Principal Deputy General Counsel

Office of General Counsel
U.S. Environmental Protection Agency
Tel: +1 202.564.1976
fotouhi.david@epa.gov

From: Leopold, Matt (OGC)
Sent: Friday, December 21, 2018 6:23 PM
To: Lyons, Troy <lyons.troy@epa.gov>; Fotouhi, David <fotouhi.david@epa.gov>
Cc: Jackson, Ryan <jackson.ryan@epa.gov>; Humphreys, Hayly <humphreys.hayly@epa.gov>; Palich, Christian <palich.christian@epa.gov>; Eby, Natasha <eby.natasha@epa.gov>; Wildeman, Anna <wildeman.anna@epa.gov>
Subject: RE: Senator Feinstein

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From: Lyons, Troy
Sent: Friday, December 21, 2018 4:22 PM
To: Leopold, Matt (OGC) <Leopold.Matt@epa.gov>; Fotouhi, David <fotouhi.david@epa.gov>
Cc: Jackson, Ryan <jackson.ryan@epa.gov>; Humphreys, Hayly <humphreys.hayly@epa.gov>; Palich, Christian <palich.christian@epa.gov>; Eby, Natasha <eby.natasha@epa.gov>; Wildeman, Anna <wildeman.anna@epa.gov>
Subject: Senator Feinstein
Importance: High

Deliberative Process / Ex. 5

Troy

Troy M. Lyons
Associate Administrator
Office of Congressional & Intergovernmental Relations
U.S. Environmental Protection Agency
202-309-2490 (cell)

Message

From: Spraul, Greg [Spraul.Greg@epa.gov]
Sent: 12/27/2018 4:25:23 PM
To: Orvin, Chris [Orvin.Chris@epa.gov]
CC: Goodin, John [Goodin.John@epa.gov]; Connors, Sandra [Connors.Sandra@epa.gov]; Frazer, Brian [Frazer.Brian@epa.gov]; Eisenberg, Mindy [Eisenberg.Mindy@epa.gov]; Maddox, Donald [Maddox.Donald@epa.gov]
Subject: RE: DEADLINE Noon 12/28 - Cargill/Redwood City fact sheet
Attachments: incoming_speier_redwood-city_12-19-18.pdf

For your situational awareness, this letter just came in on the issue. The letter is still with OCIR for assignment.

From: Orvin, Chris
Sent: Thursday, December 27, 2018 11:18 AM
To: Spraul, Greg <Spraul.Greg@epa.gov>
Cc: Goodin, John <Goodin.John@epa.gov>; Connors, Sandra <Connors.Sandra@epa.gov>; Frazer, Brian <Frazer.Brian@epa.gov>; Eisenberg, Mindy <Eisenberg.Mindy@epa.gov>; Maddox, Donald <Maddox.Donald@epa.gov>
Subject: Re: DEADLINE Noon 12/28 - Cargill/Redwood City fact sheet

Thanks, Greg. We'll get working on it.

Thing will be complicated, as you know, by the fact that people are out of the office this week. We'll do our best.

Thanks,

Chris

From: Spraul, Greg
Sent: Thursday, December 27, 2018 11:08:28 AM
To: Orvin, Chris
Cc: Goodin, John; Connors, Sandra; Frazer, Brian; Eisenberg, Mindy; Maddox, Donald
Subject: DEADLINE Noon 12/28 - Cargill/Redwood City fact sheet

Chris,

I apologize for the quick turnaround.

We need a fact sheet on the Cargill/Redwood City jurisdictional determination issue for Wheeler's confirmation process.

We need it ASAP because of the lapse in appropriations. Please send me an OD-approved version by noon tomorrow.

Attached is the latest we have, but it is very old.

I am also reattaching the fact sheet guidance and an example.

Lee is meeting with Dave on Jan. 2 to prep him to prep Wheeler.

From: Klasen, Matthew

Sent: Thursday, December 27, 2018 10:36 AM

To: Spraul, Greg <Spraul.Greg@epa.gov>

Cc: Skane, Elizabeth <Skane.Elizabeth@epa.gov>; Borum, Denis <Borum.Denis@epa.gov>

Subject: Cargill/Redwood City issue paper

Hey Greg,

Per your request, here's the most recent fact sheet I could find on Cargill/Redwood City/etc. Obviously this is quite dated so may be of minimal utility. (Adding Denis too in case he's checking email and is aware of any newer background pieces on this topic.)

Thanks,
Matt

Matt Klasen
U.S Environmental Protection Agency
Office of Congressional Affairs
WJC North 3443P
202-566-0780
cell (202) 505-0787

Message

From: Maier, Brent [Maier.Brent@epa.gov]
Sent: 12/13/2018 11:44:36 PM
To: Quast, Sylvia [Quast.Sylvia@epa.gov]
CC: Moffatt, Brett [Moffatt.Brett@epa.gov]; Zito, Kelly [ZITO.KELLY@EPA.GOV]
Subject: RE: Sen. Feinstein Staff Inquiry on Cargill and a Forthcoming Jurisdictional Decision/Determination

Sylvia –

Checking in before the end of my workday at 4:30pm to see if you had a chance to discuss with Alexis and whether there is any information to pass along to John Murray or an interest in my setting up a call with him to discuss. I am working on Friday flexiplace and can be reached at my work line 7-4256 or on my EPA cellphone at 415.760.9170.

Brent Maier

Congressional Liaison
U.S. Environmental Protection Agency, Region IX
75 Hawthorne St. (OPA-3)
San Francisco, CA 94105
Ph: 415.947.4256
Mobile: 415.760.9170

From: Maier, Brent
Sent: Thursday, December 13, 2018 1:15 PM
To: Quast, Sylvia <Quast.Sylvia@epa.gov>
Cc: Moffatt, Brett <Moffatt.Brett@epa.gov>; Zito, Kelly <ZITO.KELLY@EPA.GOV>
Subject: Sen. Feinstein Staff Inquiry on Cargill and a Forthcoming Jurisdictional Decision/Determination
Importance: High

Sylvia –

Thought you might be the best person to follow up on this inquiry from John Murray in Sen. Feinstein's San Francisco Office. John called me a few minutes ago stating that a constituent had contacted the Senator's office asking about the Cargill facility in the South Bay and a jurisdictional decision as to whether Cargill was subject to WOTUS. I know that Jessica Kao was the lead for this issue before she retired. John wanted to confirm his understanding that EPA intervened with the ACOE and stated that EPA would make the determination. The constituent who he did not name also told the Senator's office that they were hearing that EPA was going to be issuing an opinion on this in the near future.

I talked with Paul Amato in our Water Division who spoke with Rob Leidy who stated to him that we are at a sensitive time in the process and he suggested to check in with you or Brett Moffatt. Please let me know what, if any, information I can relay back to John Murray in the Senator's office. If it would be easier to have a call with him, I could work to set that up.

Brent Maier

Congressional Liaison
U.S. Environmental Protection Agency, Region IX
75 Hawthorne St. (OPA-3)
San Francisco, CA 94105
Ph: 415.947.4256

Mobile: 415.760.9170

Message

From: Maier, Brent [Maier.Brent@epa.gov]
Sent: 12/13/2018 9:15:13 PM
To: Quast, Sylvia [Quast.Sylvia@epa.gov]
CC: Moffatt, Brett [Moffatt.Brett@epa.gov]; Zito, Kelly [ZITO.KELLY@EPA.GOV]
Subject: Sen. Feinstein Staff Inquiry on Cargill and a Forthcoming Jurisdictional Decision/Determination

Importance: High

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